

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 01, 2021

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender:	Josiah Jacob Arquette	Case Number:	0980 1:18CR02026-SMJ-1
Address of Offender:	Toppenish, Washington 98948		
Name of Sentencing Judicial Officer:	The Honorable Salvador Mendoza, Jr., U.S. District Judge		
Date of Original Sentence:	June 17, 2019		
Original Offense:	Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 113(a)(6) & 1153		
Original Sentence:	Prison - 41 months TSR - 36 months	Type of Supervision:	Supervised Release
Asst. U.S. Attorney:	Todd Swensen	Date Supervision Commenced:	February 12, 2021
Defense Attorney:	Jeremy B Sporn	Date Supervision Expires:	February 11, 2024

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on April 8, 2021, June 9 and 22, 2021.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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10	<u>Mandatory Condition #1:</u> You must not commit another federal, state or local crime.
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Supporting Evidence: Mr. Arquette is alleged to have violated his conditions of supervised release on June 28, 2021, by obstructing a law enforcement officer in violation of the Revised Code of Washington (RCW) 9A76.020, and by committing disorderly conduct in violation of RCW 9A.84.030. Sunnyside Municipal Court Case # 1A0536295.

Per COVID-19 procedures, Mr. Arquette's conditions of supervised release were verbally reviewed with him on February 18, 2021. The offender verbally acknowledged an understanding of his conditions, which includes mandatory condition number 1, as noted above.

According to the Toppenish Police Department (TPD) report incident number 21P2717, the following occurred: On June 28, 2021, at approximately 10:12 p.m., TPD officers were dispatched to an incident where a shirtless male subject tipped over a concrete garbage can at a local business. TPD was able to locate the individual who tipped over the garbage can and later identified him as Josiah Arquette.

As TPD officers approached, Mr. Arquette started to walk away. TPD officers gave directives for him to come back, that he was not free to leave, and that he was being detained. Mr. Arquette then began to run across the street. Officers were able to catch up to Mr. Arquette, tackle him to the ground, and place him in handcuffs without further incident.

Mr. Arquette was escorted back to a police vehicle and officers asked him what his name was. The offender refused to provide TPD with his name and would just say he was not a snitch. Yakama Nation Police Department arrived and was unable to identify Mr. Arquette. Eventually, an off duty police officer was able to provide other officers the name of Josiah Arquette. After getting the offender's name, TPD was able to identify the offender based on a photo and physical description in the law enforcement system.

TPD officers determined that there was no damage at the local business and asked Mr. Arquette where they could take him, as Sunnyside City Jail would not take him into custody for obstructing a law enforcement officer. Mr. Arquette stated he could call his mom and she would pick him up. Mr. Arquette was transported to the TPD and given a citation for disorderly conduct, obstruction, and littering. Mr. Arquette was then released to his mother.

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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Arquette is alleged to have violated his conditions of supervised release on June 29, 2021, by obstructing a law enforcement officer, in violation of the RCW 9A76.020, by committing disorderly conduct in violation of RCW 9A.84.030 and resisting arrest in violation of RCW 9A76.040. Sunnyside Municipal Court Case#1A0536296.

Per COVID-19 procedures, Mr. Arquette's conditions of supervised release were verbally reviewed with him on February 18, 2021. The offender verbally acknowledged an understanding of his conditions, which includes mandatory condition number 1, as noted above.

According to the TPD report incident number 21P2720, the following occurred: On June 29, 2021, at approximately 12:23 a.m., TPD was dispatched to a suspicious male who was yelling at people, hitting parked vehicles and chasing people as they drove by in the 800 block of Guyette Lane in Toppenish, Washington. TPD arrived and contacted Mr. Arquette on Guyette Lane. TPD directed the offender to get in front of the police vehicle. Mr. Arquette continued to walk away and began arguing with TPD. TPD informed Mr. Arquette he was going to jail since this was the second time they have been called to deal with his behavior.

As another officer arrived, Mr. Arquette started to run away and stopped after approximately 20 feet. TPD gave the offender commands to get on the ground and Mr. Arquette just stood there. TPD attempted to take Mr. Arquette into custody and the offender resisted arrest. TPD took Mr. Arquette to the ground and had to use pain compliance techniques to gain control of the offender. TPD eventually placed Mr. Arquette in handcuffs and escorted him to a police vehicle.

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After Mr. Arquette was secured, several witnesses stated that Mr. Arquette was hitting/banging on parked vehicles and yelling. Witnesses also reported that the offender was chasing vehicles. All the witnesses wished to remain anonymous.

Mr. Arquette was transported to the Sunnyside City Jail and booked for disorderly conduct, obstruction and resisting arrest.

Mr. Arquette made an initial appearance in Sunnyside Municipal Court on June 29, 2021, and was released from custody. His next court date is scheduled for July 14, 2021.

The U.S. Probation Office respectfully recommends the Court incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

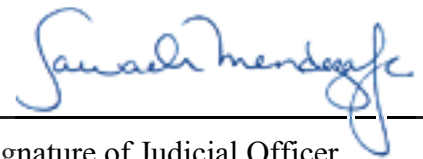
Executed on: July 1, 2021

s/Phil Casey

Phil Casey
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

07/01/2021

Date